

State of California Department of Justice
Office of the Attorney General

Fair Political Practices Commission
California State Ethics Training

PROGRESS



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ADDITIONAL RESOURCES AND ETHICS FEEDBACK

Would you like to print a [checklist](#) that will help you spot potential conflicts of interests, provide a citation to the applicable law, and point you to pertinent passages of the Attorney General's Conflicts of Interest guide?

California Attorney General (Department of Justice)

<https://oag.ca.gov>

This site hosts the Internet core course Ethics Orientation for State Officials and a wide array of information about government activities.

California Fair Political Practices Commission

<http://fppc.ca.gov>

This is the site for the FPPC, California's independent regulatory agency, created by a vote of the people, to carry out the mandate of the Political Reform Act of 1974. The Act's major provisions regulate political activities in campaign finance, lobbying registration, and conflicts of interest.

California Legislative Information

<http://leginfo.legislature.ca.gov/>

From here you can link to all of the provisions of the Government Code and the California Constitution that are referenced in the ethics training program you just completed. You can also track current legislation and research laws previously enacted.

Conflict of Interest Pamphlet, pdf

This publication, prepared by the California Attorney General's office, focuses on financial conflicts of interests by local and state executive and legislative officials. It does not cover judicial conflicts of interests, the Legislative Code of Ethics, or the State Bar of California's ethical requirements for attorneys.

Give Us Your Feedback

If you have a suggestion, comment, or criticism to make about the course, we would very much like to hear it. Your feedback is invaluable to making continued improvements to the course.

You may email us directly at: ethicsfeedback@doj.ca.gov.

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ISSUE SPOTTER CHECKLIST

This checklist is intended to assist public officials to spot potential conflicts of interests or ethical problems arising from their conduct. The checklist lists fourteen laws along with their legal citations, poses questions designed to help the official uncover potential conflicts, and references specific chapters in the Attorney General's 2010 Conflict of Interest guide for a deeper analysis of the issues.

LAW	GUIDEPOSTS
<p>Financial Conflict of Interest Political Reform Act Gov. Code, § 87100 et seq.</p>	<ul style="list-style-type: none"> ✓ Is a state or local official participating in a governmental decision? ✓ Does the decision affect an interest in real property or an investment of \$2,000 or more held by the official? Or a source of income to the official of \$500 or more? Or gifts to the official of \$470 or more? ✓ If so, is there a realistic possibility that the decision will significantly affect the economic interest (e.g., real property, business entities, or sources of income or gifts) involved? ✓ Are the official's economic interests affected differently than those of the general public or a significant segment of the public? • If the answer to these questions is yes, the official may have a conflict of interest and be required to disqualify from all participation in that decision. (See Ch. I.)
<p>Financial Interests in Contracts Gov. Code, § 1090 et seq.</p>	<p>Members of boards and commissions:</p> <ul style="list-style-type: none"> ✓ Does a board member have a direct or indirect financial interest in the making of a contract either by the board or by any agency under the board's jurisdiction?

	<ul style="list-style-type: none"> • If so, and the contract is made, the member may be subject to criminal sanctions and the contract may be void and any private gain received by the official under the contract may have to be returned. Board members may not avoid the conflict by abstaining from participation in the decision absent a special exception. <p>All other officers and employees (and certain consultants):</p> <ul style="list-style-type: none"> ✓ Does any other state or local officer or employee have a direct or indirect financial interest in the contract? • If so, the official is required to avoid any participation in the making of the contract. Failure to completely disqualify may subject the official to criminal sanctions and the contract may be void and any private gain received by the official under the contract may have to be returned. (See Ch. VII.)
<p>Limitations on State Contracts Pub. Contract Code, § 10410</p>	<ul style="list-style-type: none"> ✓ Is a state official (other than a part-time board member) involved in an activity, employment or enterprise, some portion of which is funded by a state contract? ✓ Is a state official, while employed by the state, contracting with a state agency to provide goods or services as an independent contractor? • If the answer to either of these questions is yes, a prohibited activity may have occurred. (See Ch. VIII.)
<p>Conflict of Interest Resulting from Campaign Contributions Gov. Code, § 84308</p>	<ul style="list-style-type: none"> ✓ Is there a proceeding involving a license, permit or entitlement for use? ✓ Is the proceeding being conducted by a board or commission?

	<ul style="list-style-type: none"> ✓ Were the board members appointed, rather than elected, to office? ✓ Has any board member received campaign contributions of more than \$250 from the applicant or any other person who would be affected by the decision: (1) during the proceeding; (2) within the previous 12 months prior to the proceeding; (3) within 3 months following a final decision in the proceeding? • If the answer to each of these questions is yes, the board member may have to disqualify himself or herself from participating in the decision. (See Ch. IV.)
<p style="text-align: center;">Appearance of Financial Conflict of Interest Common Law</p>	<ul style="list-style-type: none"> • Court-made law, based on avoiding actual impropriety or the appearance of impropriety in the conduct of government affairs, may require government officials to disqualify themselves from participating in decisions in which there is an appearance of a financial conflict of interest. (See Ch. XIII.) <p><i>(Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152; Noble v. City of Palo Alto (1928) 89 Cal.App. 47, 51 (citations omitted).)</i></p>
<p style="text-align: center;">Receipt of Direct Monetary Gain or Loss Gov. Code, § 8920</p>	<ul style="list-style-type: none"> ✓ Will a state officer, not an employee, receive a direct monetary gain or loss as a result of official action? • If an officer expects to derive a direct monetary gain or suffer a direct monetary loss by reason of his or her official activity, the officer should disqualify himself or herself from the decision.

	<ul style="list-style-type: none"> • However, a conflict does not exist if an officer accrues no greater benefit or detriment as a member of a business, profession, occupation or group than any other member. (See Ch. XIV.)
<p>Public Reporting of Financial Interests Political Reform Act Gov. Code, §§ 87200-87313</p>	<ul style="list-style-type: none"> ✓ Is the official a state or local officer or employee who participates in the making of governmental decisions? • If so, the official may be required to file a public report disclosing investments, real property, income and gifts. (See Ch. II and Ch. III)
<p>Incompatible Activities Gov. Code, § 1125 et seq. (local officials); Gov. Code, § 19990 (state officials)</p>	<ul style="list-style-type: none"> ✓ Is an official using his or her government position or government information, property, or resources for other than an official purpose? ✓ Has the official's agency or appointing authority adopted an incompatible activities statement? • If the activity has been prohibited by an incompatible activities statement, the official can be ordered to stop the practice and may be administratively disciplined. Certain misuses of public resources may also be subject to civil or criminal prosecution. (See Ch. X regarding local officials, and Ch. XI regarding state officials.)
<p>Incompatible Offices Gov. Code, § 1099 codifying the Common Law prohibition</p>	<ul style="list-style-type: none"> ✓ Does a single official hold two public offices simultaneously? (This doctrine applies only to public "officers" as opposed to "employees.") ✓ Do the offices overlap in jurisdiction, such that the official's loyalty would be divided between the two offices? • If the answer to each of these questions is yes, the holding of the two offices may be incompatible and the first

	assumed office may have been forfeited by operation of law. (See Ch. XII.)
Transportation Gifts or Discounts Cal. Const., art. XII, § 7	<ul style="list-style-type: none"> ✓ Has a state or local officer, not an employee, received a gift or discount in the price of transportation from a transportation company? (The prohibition covers inter and intrastate transportation in connection with both governmental or personal business.) • If the answer to this question is yes, the officer may have forfeited his or her office. (See Ch. IX.)
Former State Officials and Their Contracts Pub. Contract Code, § 10411	<ul style="list-style-type: none"> ✓ Is a former state official contracting with his or her former agency to provide goods and services? • If the answer to this question is yes, a prohibited activity may have occurred. (See Ch. VIII, sec. C.)
Changing Sides Gov. Code §§ 87400-87405	<ul style="list-style-type: none"> ✓ Does a former state official propose to participate in a proceeding in which he or she previously participated on behalf of a party other than the state? • If so, the state official might violate state law. (See Ch. V.)
One Year Ban Gov. Code § 87406	<ul style="list-style-type: none"> ✓ Does a former state official propose to communicate for compensation with his or her former agency within one year of separation for the purpose of influencing the agency's decision in particular proceedings? • If so, the state official may be prohibited from making this communication for a period of one year from separation. (See Ch. V.)
Seeking Outside Employment Gov. Code § 87407	<ul style="list-style-type: none"> ✓ Does a current state official plan to look for private employment prior to separating from the state?

	<ul style="list-style-type: none">• If the state official is negotiating with, or has received an offer from, a prospective employer, the official may be disqualified from participating in any decisions affecting the prospective employer. (See Ch. V.)
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